

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GEORGE E. LEVELS,**

**Plaintiff,**

**LIBERTY MUTUAL,**

**Plaintiff-Intervenor**

**v.**

**CANNONBALL EXPRESS, INC.,  
d/b/a CANNONBALL EXPRESS  
TRANSPORTATION, et al.,**

**Defendants.**

**Case No. 05-cv-914-DRH**

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**JACK COOPER TRANSPORT CO., INC.,**

**Plaintiff,**

**v.**

**CANNONBALL EXPRESS  
TRANSPORTATION, LLC,**

**Defendant.**

**Case No. 06-cv-306-DRH**

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**SYLVIA DEVESE, as Personal Representative  
and Administrator of the Estate of  
STEPHEN O'BRYANT,**

**Plaintiff,**

**v.**

**JACK COOPER TRANSPORT CO., INC.,**

**and GEORGE E. LEVELS,**

**Defendants.**

**Case No. 06-cv-524-DRH**

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**ORDER**

**HERNDON, Chief Judge:**

The Court has been advised by Magistrate Judge Clifford J. Proud that the parties have been unable to reach a settlement following a summary jury trial held before Judge Proud on September 7, 2007. Therefore, Judge Proud recommends, with the parties' consent, that these cases be consolidated for trial. The cases had previously been consolidated for discovery purposes only. The parties seek to consolidate this matter with two other like matters: *Cooper v. Cannonball Express, Inc.*, No. 06-cv-306-DRH and *Devese v. Levels*, No. 06-cv-524-DRH. The Court concludes, in its discretion, that all three actions present common questions of law and fact and that consolidation will promote judicial economy and the convenience of the parties. **See Fed. R. Civ. P. 42(a); *Fleishman v. Prudential-Bache Sec., Inc.*, 103 F.R.D. 623, 624-25 (E.D. Wis. 1984); *Bradley v. Soo Line R.R. Co.*, 88 F.R.D. 307, 309-10 (E.D. Wis. 1980).** Accordingly, the Court **CONSOLIDATES** these three cases for the remainder of this litigation. The Joint Motion to Consolidate for Purposes of Discovery and to Amend Scheduling Order remains in effect. Any additional motions shall be filed under this case, *Levels v. Cannonball*, No. 05-cv-914-DRH, which is the earliest-filed case.

The Final Pre-trial Conference will be held on December 20, 2007 at 9:30 a.m. Furthermore, the Court **FINDS AS MOOT** Plaintiff-Intervenor Liberty Mutual's Motion to Continue Final Pre-trial Conference and Related Deadlines for Pre-trial Submissions. (Doc. 50.)

**IT IS SO ORDERED.**

Signed this 24th day of October, 2007.

/s/ \_\_\_\_\_ David R Herndon  
**Chief Judge**  
**United States District Court**